

39:4-10.5

LEGISLATIVE HISTORY CHECKLIST
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(Roller skaters--helmets)

NJSA: 39:4-10.5 to 39:4-10.13

LAWS OF: 1997 CHAPTER: 411

BILL NO: S537/475

SPONSOR(S): Bassano

DATE INTRODUCED: January 29, 1996

COMMITTEE: ASSEMBLY: Law and Public Safety
SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes Assembly substitute for Senate
S537/475 enacted substitute

DATE OF PASSAGE: ASSEMBLY: January 8, 1998
SENATE: June 13, 1996

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,
adopted 2-27-97

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:
"Helmets mandated for young skaters," 1-13-98, Star Ledger.
"Gov signs child skater helmet law," 1-20-98, Trentonian.

KBP:pp

§§1-9
C. 39:4-10.5
To
39:4-10.13
§12
Note To §§1-11

P.L. 1997, CHAPTER 411, *approved January 19, 1998*
Assembly Substitute for
Senate Committee Substitute for
Senate, Nos. 537 and 475

1 **AN ACT** concerning the safety of certain persons when operating roller
2 skates or skateboards, and supplementing chapter 4 of Title 39 of
3 the Revised Statutes and amending P.L.1991, c.465.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7

8 1. (New section) a. As used in this act:

9 "Director" means the Director of Consumer Affairs in the
10 Department of Law and Public Safety.

11 "Roller skates" means a pair of devices worn on the feet with a set
12 of wheels attached, regardless of the number or placement of those
13 wheels, and used to glide or propel the user over the ground.

14 b. A person under 14 years of age shall not operate any roller
15 skates or skateboard unless that person is wearing a properly fitted and
16 fastened helmet which meets the standards of the American National
17 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell
18 Memorial Foundation's 1990 Standard for Protective Headgear for
19 Use in Bicycling, the American Society for Testing and Materials
20 (ASTM) standard or other such standard, as appropriate.

21 c. The requirement in subsection b. of this section shall apply at
22 all times while a person subject to the provisions of this act is
23 operating roller skates or skateboarding on any property open to the
24 public or used by the public for roller skating or skateboarding.

25

26 2. (New section) a. A person who violates the provisions of
27 section 1 of this act by failing to wear an approved helmet shall be
28 warned of the violation by the enforcing official. The parent or legal
29 guardian of the violator may be fined a maximum of \$25 for a first
30 offense and a maximum of \$100 for a subsequent offense. The
31 penalties provided under the provisions of this subsection for failing
32 to wear an approved helmet may be waived if the parent or legal

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 guardian of the violator presents suitable proof that an approved
2 helmet or appropriate personal protection equipment has been
3 purchased since the violation occurred.

4 b. All moneys collected as fines under subsection a. of this section
5 shall be deposited in the "Bicycle and Skating Safety Fund" pursuant
6 to section 2 of P.L.1991, c.465 (C.39:4-10.2).

7

8 3. (New section) The failure of any person to comply with the
9 provisions of section 1 of this act shall not constitute negligence per
10 se, contributory negligence or assumption of risk, and shall not in any
11 way bar, preclude or foreclose an action for personal injury or
12 wrongful death by or on behalf of such person.

13

14 4. (New section) a. It shall be unlawful to manufacture,
15 assemble, sell, offer to sell or distribute roller skates or skateboards
16 unless such roller skates or skateboards contain a warning notice
17 consistent with the requirements of this section.

18 b. The warning notice required by subsection a. of this section
19 shall be placed in at least one of the following locations and shall be
20 clearly visible to the consumer: (1) on one roller skate in each pair of
21 roller skates or on the skateboard; (2) on the outside of the box or
22 other container in which the roller skates or the skateboard are offered
23 for sale at retail; or (3) on any user's guide or instruction manual
24 provided with the roller skates or the skateboard.

25 c. The warning notice required by subsection a. of this section
26 must be printed in clear and conspicuous type and be substantially
27 similar to the following notice: "WARNING! REDUCE THE RISK
28 OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
29 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
30 PADS AND KNEE PADS."

31 d. A person, firm, corporation or other legal entity regularly
32 engaged in the business of manufacturing or assembling roller skates
33 or skateboards who complies with the requirements of this section
34 shall not be liable in a civil action for damages for any physical injury
35 sustained by a user of roller skates or a skateboard as a result of that
36 user's failure to wear a helmet in accordance with the provisions of this
37 act.

38

39 5. (New section) a. A person, firm, corporation or other legal
40 entity regularly engaged in the business of selling or renting roller
41 skates or skateboards shall post a sign at the point where the sale or
42 rental transaction is completed stating: "STATE LAW REQUIRES A
43 PERSON UNDER 14 YEARS OF AGE TO WEAR A HELMET
44 WHEN ROLLER SKATING OR SKATEBOARDING." The size of
45 the sign shall be at a minimum 15 inches in length and 8 inches in
46 width. This notification requirement shall not apply to a seller when

1 roller skates are sold through the use of a mail order catalog or
2 brochure where the purchase and payment are made by mail, telephone
3 or another telecommunications or electronic method.

4 b. A person, firm, corporation or other legal entity who fails to
5 post the sign required by subsection a. of this section shall be subject
6 to a penalty not to exceed \$25 a day for each day the business is open
7 to the public and the sign is not posted. The enforcement of this
8 subsection shall be vested in the director, the inspectors appointed
9 under his authority and the police or peace officers of, or inspectors
10 duly appointed for this purpose by, any municipality or county or the
11 State. Jurisdiction of proceedings to collect the penalties prescribed
12 by this act is vested in the Superior Court and the municipal court in
13 any municipality where the defendant resides. Process shall be either
14 a summons or warrant and shall be executed in a summary manner
15 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

16 c. A person, firm, corporation or other legal entity regularly
17 engaged in the business of renting roller skates or skateboards shall
18 make available an approved helmet to a person under 14 years of age
19 who rents the roller skates or skateboards for use in an area where a
20 helmet is required, if the person does not already have a helmet in his
21 possession. A fee may be charged for the helmet rental.

22 d. A person, firm, corporation or other legal entity regularly
23 engaged in the business of selling or renting roller skates or
24 skateboards who complies with the applicable requirements of this
25 section shall not be liable in a civil action for damages for any physical
26 injury sustained by a user of roller skates or a skateboard who is under
27 the age of 14 years as a result of that person's failure to wear a helmet
28 in accordance with the provisions of this act.

29 e. Sixty days before the effective date of this act, the Division of
30 Consumer Affairs in the Department of Law and Public Safety shall
31 make a reasonable effort to notify any person, firm, corporation or
32 other legal entity who is regularly engaged in the business of selling or
33 renting roller skates or skateboards of the requirements of this section.
34 The responsibility of a person, firm, corporation or other legal entity
35 under this section shall not be abrogated or diminished in any manner
36 if the person fails to receive or become aware of a notice from the
37 division.

38
39 6. (New section) Every person operating any roller skates or
40 skateboard upon a roadway shall be granted all of the rights and shall
41 be subject to all of the duties applicable to the driver of a vehicle by
42 chapter four of Title 39 of the Revised Statutes and all supplements
43 thereto, except as to those provisions thereof which by their nature can
44 have no application.

45 Regulations applicable to roller skates and skateboards shall apply
46 whenever any person operates any roller skates or skateboard upon

1 any highway or upon any path set aside for the exclusive use of roller
2 skates or skateboards subject to those exceptions stated herein.

3

4 7. (New section) Every person operating any roller skates or
5 skateboard upon a roadway shall ride as near to the right side of the
6 roadway as practicable, exercising due care when passing a standing
7 vehicle or one proceeding in the same direction; provided, however,
8 that any person may move to the left under any of the following
9 situations:

10 (a) to make a left turn from a left-turn lane or pocket;

11 (b) to avoid debris, drains or other hazardous conditions that make
12 it impracticable to ride at the right side of the roadway;

13 (c) to pass a slower moving vehicle;

14 (d) to occupy any available lane when traveling at the same speed
15 as other traffic;

16 (e) to travel no more than two abreast when traffic is not impeded.

17 Persons operating any roller skates or skateboards upon a roadway
18 may travel no more than two abreast when traffic is not impeded, but
19 otherwise shall ride in single file, except on paths or parts of roadways
20 set aside for the exclusive use of bicycles, roller skates or skateboards.

21

22 8. (New section) The provisions of this act shall not apply to the
23 operators and patrons of roller skating rinks governed by the
24 provisions of the "New Jersey Roller Skating Rink Safety and Fair
25 Liability Act," P.L.1991, c.28 (C.5:14-1 et seq.).

26

27 9. (New section) The director, in accordance with the provisions
28 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
29 et seq.), may promulgate rules and regulations to effectuate the
30 purposes of this act.

31

32 10. Section 1 of P.L.1991, c.465 (C.39:4-10.1) is amended to
33 read as follows:

34 1. a. A person under 14 years of age shall not operate, or ride
35 upon a bicycle as a passenger, unless that person is wearing a properly
36 fitted and fastened bicycle helmet which meets the standards of the
37 American National Standards Institute (ANSI Z90.4 bicycle helmet
38 standard) or the Snell Memorial Foundation's [1984] 1990 Standard
39 for Protective Headgear for Use in Bicycling. This requirement shall
40 apply to a person who rides upon a bicycle while in a restraining seat
41 which is attached to the bicycle or in a trailer towed by the bicycle.

42 As used in this act, "bicycle" means a vehicle with two wheels
43 propelled solely by human power and having pedals, handle bars and
44 a saddle-like seat. The term shall include a bicycle for two or more
45 persons having seats and corresponding sets of pedals arranged in
46 tandem.

1 b. The director shall publish a list of bicycle helmets which meet
2 the standards described in subsection a. of this section and shall
3 provide for its distribution in as many locations frequented by the
4 public as the director deems appropriate and practicable.

5 c. The requirement in subsection a. of this section shall apply at all
6 times while a bicycle is being operated on any property open to the
7 public or used by the public for pedestrian and vehicular purposes;
8 however, a municipality may by ordinance exempt from this
9 requirement a person operating or riding on a bicycle as a passenger
10 when the bicycle is operated:

11 (1) on a road or highway closed to motor vehicle traffic and
12 limited to pedestrian or bicycle use at all times or only during specified
13 periods of time during which bicycles may be operated; or

14 (2) exclusively on a trail, route, course, boardwalk, path or other
15 area which is set aside for the use of bicycles or for the use of
16 pedestrians and bicycle operation is not otherwise prohibited.
17 However, an exemption may not be granted under this paragraph for
18 any portion of a trail, route, course, boardwalk, path or other area
19 which is immediately adjacent to a road or highway used by motor
20 vehicle traffic and which does not contain a barrier of sufficient height
21 and rigidity to prevent the inadvertent or deliberate entry of a bicycle
22 operator onto the road or highway.

23 d. An ordinance enacted pursuant to subsection c. of this section
24 shall specify those roads, highways, trails, routes, courses,
25 boardwalks, paths or areas within the municipality where helmets are
26 not required during the operation of a bicycle.

27 e. When a bicycle is being operated in an area where bicycle
28 helmets are not required, the operator or a passenger, except a
29 passenger in a restraining seat or trailer, shall dismount from the
30 bicycle and walk whenever it is necessary to enter a crosswalk or to
31 cross a road or highway upon which motor vehicle traffic is permitted.
32 (cf: P.L.1991, c.465, s.1)

33
34 11. Section 2 of P.L.1991, c.465 (C.39:4-10.2) is amended to
35 read as follows:

36 2. a. A person who violates a requirement of this act shall be
37 warned of the violation by the enforcing official. The parent or legal
38 guardian of that person also may be fined a maximum of \$25 for the
39 person's first offense and a maximum of \$100 for a subsequent offense
40 if it can be shown that the parent or guardian failed to exercise
41 reasonable supervision or control over the person's conduct. Penalties
42 provided in this section for a failure to wear a helmet may be waived
43 if an offender or his parent or legal guardian presents suitable proof
44 that an approved helmet was owned at the time of the violation or has
45 been purchased since the violation occurred.

46 b. All money collected as fines under subsection a. of this section

1 and subsection a. of Section 2 of PL. c. (C.) (now pending before
2 the Legislature as this bill) shall be deposited in a nonlapsing revolving
3 fund to be known as the "Bicycle and Skating Safety Fund." Interest
4 earned on money deposited in the fund shall accrue to the fund.
5 Money in the fund shall be utilized by the director to provide
6 educational programs devoted to bicycle, roller skating and
7 skateboarding safety. If the director determines that sufficient money
8 is available in the fund, he also may use, in a manner prescribed by rule
9 and regulation, the money to assist low income families in purchasing
10 approved bicycle helmets. For the purposes of this subsection, "low
11 income family" means a family which qualifies for low income housing
12 under the standards promulgated by the Council on Affordable
13 Housing pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301
14 et seq.).
15 (cf: P.L.1991, c.465, s.2)

16

17 12. This act shall take effect on the first day of the seventh month
18 following enactment, except that section 9 shall take effect
19 immediately.

20

21 STATEMENT

22

23 This Assembly Substitute for the Senate Committee Substitute for
24 Senate, Nos. 537 and 475 establishes the requirement that all persons
25 under the age of 14 years must wear a protective helmet when
26 operating any roller skates or skateboard on public property. "Roller
27 skates," as defined in the substitute, means not only traditional roller
28 skates, but also roller blades and in-line skates.

29 The helmet worn must meet the standards of the American
30 National Standards Institute (ANSI Z90.4 bicycle helmet standard),
31 the Snell Memorial Foundations 1990 Standard for Protective
32 Headgear for Use in Bicycling, the American Society for Testing and
33 Materials (ASTM) standard or other such standard, as appropriate.

34 A person who violates the provisions of this substitute by failing
35 to wear an approved helmet would be warned of the violation by the
36 enforcing official. The parent or legal guardian of the violator may be
37 fined a maximum of \$25 for a first offense and a maximum of \$100 for
38 a subsequent offense. These penalties may be waived, however, if the
39 parent or legal guardian of the violator presents suitable proof that an
40 approved helmet has been purchased since the violation occurred.

41 All moneys collected as fines are to be deposited into the "Bicycle
42 and Skating Safety Fund." This fund is a revised version of the
43 "Bicycle Safety Fund" which was established under section 2 of
44 P.L.1991, c.465 (C.39:4-10.2) as the depository of fines assessed
45 under the bicycle helmet law. The moneys deposited in this new fund
46 are to be used to provide educational programs for roller skating and

1 skateboard safety, as well as the current programs for bicycle safety.
2 As with the "Bicycle Safety Fund," the substitute provides that if there
3 are sufficient moneys in the "Bicycle and Skating Safety Fund," the
4 director may utilize those moneys to assist low income families in
5 purchasing approved helmets.

6 The substitute specifies that the failure to wear a helmet would not
7 constitute negligence per se, contributory negligence or assumption of
8 risk, and would not in any way bar, preclude or foreclose an action for
9 personal injury or wrongful death.

10 The substitute clarifies that roller skaters and skateboarders, like
11 bicycle riders, have all the rights and are subject to all of the duties
12 applicable to them under the State's motor vehicle statutes when
13 operating upon a public roadway.

14 The regulatory scheme set forth in this substitute is patterned upon
15 the current statutory provisions governing bicycle safety and requiring
16 riders under the age of 14 to wear helmets.

17

18

19

20

21 Requires roller skaters and skateboarders under age 14 to wear
22 helmets.

SENATE, No. 537

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning skateboard and roller skate safety, and
2 supplementing chapter 4 of Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. As used in this act, "director" means the Director of the
8 Division of Motor Vehicles in the Department of Law and Public
9 Safety.

10 b. A person shall not roller skate or operate or ride upon a
11 skateboard unless that person is wearing (1) a properly fitted and
12 fastened helmet which meets the standards of the American National
13 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell
14 Memorial Foundation's 1990 Standard for Protective Headgear for
15 Use in Bicycling, the American Society for Testing and Materials
16 (ASTM) standard, or other such standard as the director may deem
17 appropriate; and (2) appropriate personal protection equipment,
18 including knee pads, elbow pads, and wrist and palm guards. For the
19 purposes of this act, "roller skate" means an in-line skate or any other
20 shoe with a set of wheels attached, or frame with wheels that is
21 designed to be attached to a shoe, regardless of the number or
22 placement of those wheels.

23 c. The requirement in subsection b. of this section shall apply at all
24 times while a person subject to the provisions of this act is roller
25 skating or operating or riding a skate board on any property open to
26 the public or used by the public for roller skating or skate boarding.

27

28 2. a. A person who violates the provisions of this act by failing to
29 wear an approved helmet or appropriate personal protection
30 equipment shall be warned of the violation by the enforcing official.
31 The violator or, in the case of a violator who is under the age of 18,
32 the parent or legal guardian of the violator may be fined a maximum
33 of \$25 for a first offense and a maximum of \$100 for a subsequent
34 offense. The penalties provided under the provisions of this
35 subsection for failing to wear an approved helmet may be waived if the
36 violator or, in the case of a violator who is under the age of 18, the
37 parent or legal guardian of the violator present suitable proof that an

1 approved helmet or appropriate personal protection equipment have
2 been purchased since the violation occurred.

3 b. All moneys collected as fines under subsection a. of this section
4 shall be deposited in a nonlapsing revolving fund to be known as the
5 "Skating Safety Fund." Interest earned on money deposited in the
6 fund shall accrue to the fund. Money in the fund shall be utilized by
7 the director to provide educational programs devoted to roller skating
8 and skateboarding safety. If the director determines that sufficient
9 money is available in the fund, he also may use, in a manner prescribed
10 by rule and regulation, the money to assist low income families in
11 purchasing approved helmets. For the purposes of this subsection,
12 "low income family" means a family which qualifies for low income
13 housing under the standards promulgated by the Council on Affordable
14 Housing pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301
15 et seq.).

16

17 3. a. A person regularly engaged in the business of selling roller
18 skates or skateboards shall provide a purchaser of roller skates or a
19 skateboard with a written explanation, either on the receipt of sale or
20 on a separate form, of the provisions of section 1 of this act and of the
21 penalties provided under subsection a. of section 2 of this act for
22 violations. The seller also shall obtain each purchaser's signature
23 indicating receipt of that information.

24 b. A person regularly engaged in the business of renting roller
25 skates or skateboards shall require each person seeking to rent roller
26 skates or a skateboard to provide his signature either on the rental
27 form or on a separate form indicating receipt of a written explanation
28 of the provisions of section 1 of this act and of the penalties provided
29 under subsection a. of section 2 of this act for a violation. An
30 approved helmet and appropriate personal protection equipment shall
31 be provided to each renter by the person engaged in the business of
32 renting the roller skates or skateboard. A rental fee may be charged
33 for any helmet or appropriate personal protection equipment so
34 provided.

35 c. A person regularly engaged in the business of selling or renting
36 roller skates or skateboards who complies with the applicable
37 requirements of subsections a. and b. of this section shall not be liable
38 in a civil action for damages for any physical injury sustained by a
39 roller skater or skateboarder as a result of that person's failure to wear
40 a helmet and appropriate personal protection equipment in accordance
41 with the provisions of this act.

42

43 4. The provisions of this act shall not apply to the operators of and
44 roller skaters skating in roller skating rinks governed by the provisions
45 of the "New Jersey Roller Skating Rink Safety and Fair Liability Act,"
46 P.L.1991, c.28 (C.5:14-1 et seq.).

1 exempted from the provisions of the bill.

2

3

4

5

6 Requires skateboarders and roller skaters to wear helmets and personal
7 protection equipment.

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senator GIRGENTI

1 AN ACT concerning the safety of certain persons when roller skating,
2 and supplementing chapter 14 of Title 5 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this act:

8 "Director" means the Director of Consumer Affairs in the
9 Department of Law and Public Safety.

10 "Person" means a person less than 14 years of age.

11 "Roller skate" means an in-line skate or any other shoe with a set
12 of wheels attached, or frame with wheels that is designed to be
13 attached to a shoe, regardless of the number or placement of those
14 wheels.

15 b. A person shall not roller-skate unless that person is wearing a
16 properly fitted and fastened helmet which meets the standards of the
17 American National Standards Institute (ANSI Z90.4 bicycle helmet
18 standard), the Snell Memorial Foundation's 1990 Standard for
19 Protective Headgear for Use in Bicycling, the American Society for
20 Testing and Materials (ASTM) standard, or other such standard as the
21 director may deem appropriate.

22 c. The requirement in subsection b. of this section shall apply at all
23 times while a person subject to the provisions of this act is
24 roller-skating on any property open to the public or used by the public
25 for roller skating.

26

27 2. a. A person who violates the provisions of this act by failing to
28 wear an approved helmet shall be warned of the violation by the
29 enforcing official. The parent or legal guardian of the violator may be
30 fined a maximum of \$25 for a first offense and a maximum of \$50 for
31 a subsequent offense. The penalties provided under the provisions of
32 this subsection for failing to wear an approved helmet may be waived
33 if the parent or legal guardian of the violator presents suitable proof
34 that an approved helmet or appropriate personal protection equipment
35 has been purchased since the violation occurred.

36 b. All moneys collected as fines under subsection a. of this section
37 shall be deposited in a non-lapsing revolving fund to be known as the

1 "Skating Safety Fund." Interest earned on money deposited in the
2 fund shall accrue to the fund. Money in the fund shall be utilized by
3 the director to provide educational programs devoted to roller skating
4 safety. If the director determines that sufficient money is available in
5 the fund, he also may use the money, in a manner prescribed by rule
6 and regulation, to assist low income families in purchasing approved
7 helmets. For the purposes of this subsection, "low income family"
8 means a family which qualifies for low income housing under the
9 standards promulgated by the Council on Affordable Housing pursuant
10 to the provisions of P.L.1985, c.222 (C.52:27D-301 et seq.).

11

12 3. a. A person regularly engaged in the business of selling or
13 renting roller skates shall post a sign at the point where the sale or
14 rental transaction is completed stating: "STATE LAW REQUIRES A
15 PERSON UNDER 14 YEARS OF AGE TO WEAR A HELMET
16 WHEN ROLLER-SKATING." The size of the sign shall be at a
17 minimum 15 inches in length and 8 inches in width. This notification
18 requirement shall not apply to a seller when roller skates are sold
19 through the use of a catalog or brochure and the purchase and
20 payment are made by mail, telephone or another telecommunications
21 or electronic method.

22 A person who fails to post a sign required by this subsection shall
23 be subject to a penalty not to exceed \$25 a day for each day the
24 business is open to the public and the sign is not posted. The
25 enforcement of this subsection shall be vested in the director, the
26 inspectors appointed under his authority, and the police or peace
27 officers of, or inspectors duly appointed for this purpose by, any
28 municipality or county or by the State. Jurisdiction of proceedings to
29 collect the penalties prescribed by this act is vested in the Superior
30 Court and the municipal court in any municipality where the defendant
31 may be apprehended or where he may reside. Process shall be either
32 a summons or warrant and shall be executed in a summary manner
33 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

34 b. A person regularly engaged in the business of renting roller
35 skates shall provide a helmet to a person under 14 years of age who
36 will use the roller skates in an area where a helmet is required, if the
37 person does not already have a helmet in his possession. A fee may be
38 charged for the helmet rental.

39 c. A person regularly engaged in the business of selling or renting
40 roller skates who complies with the applicable requirements of this
41 section shall not be liable in a civil action for damages for any physical
42 injury sustained by a roller skater who is under the age of 14 years as
43 a result of that person's failure to wear a helmet in accordance with the
44 provisions of this act.

45 d. Sixty days before the effective date of this act, the Division of
46 Consumer Affairs in the Department of Law and Public Safety shall

1 make a reasonable effort to notify any person who is regularly engaged
2 in the business of selling or renting roller skates of the requirements of
3 this section. The responsibility of a person under this section shall not
4 be abrogated or diminished in any manner if the person fails to receive
5 or become aware of a notice from the division.

6
7 4. The provisions of this act shall not apply to the operators of and
8 roller skaters skating in roller skating rinks governed by the provisions
9 of the "New Jersey Roller Skating Rink Safety and Fair Liability Act,"
10 P.L.1991, c.28 (C.5:14-1 et seq.).

11
12 5. The director, in accordance with the provisions of the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.), shall promulgate rules and regulations to effectuate the purposes
15 of this act.

16
17 6. This act shall take effect on the first day of the seventh month
18 following enactment, except that section 5 shall take effect
19 immediately.

20 21 22 STATEMENT

23
24 This act requires that all persons under the age of 14 must wear an
25 approved safety helmet when roller-skating on public property.

26 Roller-skating is defined in the bill to include in-line skating, or as
27 it is more commonly known, roller blading.

28 The bill specifies that the helmets worn must meet the American
29 National Standards Institute's standards for bicycle helmets, the Snell
30 Memorial Foundation's 1990 Standard for Protective Headgear for
31 Use in Bicycling, the American Society for Testing and Materials'
32 standards, or a similar standard selected by the Director of the
33 Division of Consumer Affairs in the Department of Law and Public
34 Safety.

35 Under the provisions of the bill, the parent or legal guardian of the
36 violator may be fined up to \$25 for a first offense and up to \$50 for
37 any subsequent offense. The penalty may be waived, however, if the
38 parent or guardian, can prove that an approved helmet or appropriate
39 personal protection equipment has been purchased since the violation
40 occurred. Any moneys collected as fines are to be deposited in a
41 special fund, known as the "Skating Safety Fund." These fund moneys
42 are to be used by the director to provide educational programs
43 promoting roller skating safety. If there are sufficient funds, the
44 director may use the moneys to assist low income families purchase
45 helmets.

46 This bill requires a person regularly engaged in the business of

1 selling or renting roller skates to post a sign stating: "STATE LAW
2 REQUIRES A PERSON UNDER 14 YEARS OF AGE TO WEAR A
3 HELMET WHEN ROLLER-SKATING." The size of the sign is to be
4 at a minimum 15 inches in length and 8 inches in width. The bill's
5 requirements would not be applicable to sales of roller skates by means
6 of a catalog or brochure.

7 Under the provisions of the bill, a person who fails to post a sign
8 would be subject to a penalty of up to \$25 per day for each day the
9 business is open to the public and the sign is not posted.

10 The bill requires the Division of Consumer Affairs to make a
11 reasonable effort to notify all persons regularly engaged in the business
12 of selling or renting roller skates of the requirement to post a sign.

13 The bill requires persons who sell and rent roller skates and
14 skateboards to advise their customers of the bill's provisions
15 concerning the wearing of approved helmets and appropriate personal
16 protection equipment. Businesses complying with this requirement are
17 declared not to be liable in a civil action for damages for any physical
18 injury sustained by a roller skater who fails to wear a helmet.

19 The operators and patrons of roller skating rinks governed by the
20 provisions of the "New Jersey Roller Skating Rink Safety and Fair
21 Liability Act," P.L.1991, c.28 (C.5:14-1 et seq.) are specifically
22 exempted from the provisions of the bill.

23

24

25

26

27 Requires roller skaters under age 14 to wear helmets.

[Passed Both Houses]

ASSEMBLY SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE , Nos. 537 and 475

STATE OF NEW JERSEY

ADOPTED DECEMBER 18, 1997

Sponsored by Senators BASSANO, GIRGENTI and Adler

1 AN ACT concerning the safety of certain persons when operating roller
2 skates or skateboards, and supplementing chapter 4 of Title 39 of
3 the Revised Statutes and amending P.L.1991, c.465.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) a. As used in this act:

9 "Director" means the Director of Consumer Affairs in the
10 Department of Law and Public Safety.

11 "Roller skates" means a pair of devices worn on the feet with a set
12 of wheels attached, regardless of the number or placement of those
13 wheels, and used to glide or propel the user over the ground.

14 b. A person under 14 years of age shall not operate any roller
15 skates or skateboard unless that person is wearing a properly fitted and
16 fastened helmet which meets the standards of the American National
17 Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell
18 Memorial Foundation's 1990 Standard for Protective Headgear for
19 Use in Bicycling, the American Society for Testing and Materials
20 (ASTM) standard or other such standard, as appropriate.

21 c. The requirement in subsection b. of this section shall apply at
22 all times while a person subject to the provisions of this act is
23 operating roller skates or skateboarding on any property open to the
24 public or used by the public for roller skating or skateboarding.

25

26 2. (New section) a. A person who violates the provisions of
27 section 1 of this act by failing to wear an approved helmet shall be
28 warned of the violation by the enforcing official. The parent or legal

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 guardian of the violator may be fined a maximum of \$25 for a first
2 offense and a maximum of \$100 for a subsequent offense. The
3 penalties provided under the provisions of this subsection for failing
4 to wear an approved helmet may be waived if the parent or legal
5 guardian of the violator presents suitable proof that an approved
6 helmet or appropriate personal protection equipment has been
7 purchased since the violation occurred.

8 b. All moneys collected as fines under subsection a. of this section
9 shall be deposited in the "Bicycle and Skating Safety Fund" pursuant
10 to section 2 of P.L.1991, c.465 (C.39:4-10.2).

11
12 3. (New section) The failure of any person to comply with the
13 provisions of section 1 of this act shall not constitute negligence per
14 se, contributory negligence or assumption of risk, and shall not in any
15 way bar, preclude or foreclose an action for personal injury or
16 wrongful death by or on behalf of such person.

17
18 4. (New section) a. It shall be unlawful to manufacture,
19 assemble, sell, offer to sell or distribute roller skates or skateboards
20 unless such roller skates or skateboards contain a warning notice
21 consistent with the requirements of this section.

22 b. The warning notice required by subsection a. of this section
23 shall be placed in at least one of the following locations and shall be
24 clearly visible to the consumer: (1) on one roller skate in each pair of
25 roller skates or on the skateboard; (2) on the outside of the box or
26 other container in which the roller skates or the skateboard are offered
27 for sale at retail; or (3) on any user's guide or instruction manual
28 provided with the roller skates or the skateboard.

29 c. The warning notice required by subsection a. of this section
30 must be printed in clear and conspicuous type and be substantially
31 similar to the following notice: "WARNING! REDUCE THE RISK
32 OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL
33 PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW
34 PADS AND KNEE PADS."

35 d. A person, firm, corporation or other legal entity regularly
36 engaged in the business of manufacturing or assembling roller skates
37 or skateboards who complies with the requirements of this section
38 shall not be liable in a civil action for damages for any physical injury
39 sustained by a user of roller skates or a skateboard as a result of that
40 user's failure to wear a helmet in accordance with the provisions of this
41 act.

42
43 5. (New section) a. A person, firm, corporation or other legal
44 entity regularly engaged in the business of selling or renting roller
45 skates or skateboards shall post a sign at the point where the sale or
46 rental transaction is completed stating: "STATE LAW REQUIRES A

1 PERSON UNDER 14 YEARS OF AGE TO WEAR A HELMET
2 WHEN ROLLER SKATING OR SKATEBOARDING." The size of
3 the sign shall be at a minimum 15 inches in length and 8 inches in
4 width. This notification requirement shall not apply to a seller when
5 roller skates are sold through the use of a mail order catalog or
6 brochure where the purchase and payment are made by mail, telephone
7 or another telecommunications or electronic method.

8 b. A person, firm, corporation or other legal entity who fails to
9 post the sign required by subsection a. of this section shall be subject
10 to a penalty not to exceed \$25 a day for each day the business is open
11 to the public and the sign is not posted. The enforcement of this
12 subsection shall be vested in the director, the inspectors appointed
13 under his authority and the police or peace officers of, or inspectors
14 duly appointed for this purpose by, any municipality or county or the
15 State. Jurisdiction of proceedings to collect the penalties prescribed
16 by this act is vested in the Superior Court and the municipal court in
17 any municipality where the defendant resides. Process shall be either
18 a summons or warrant and shall be executed in a summary manner
19 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

20 c. A person, firm, corporation or other legal entity regularly
21 engaged in the business of renting roller skates or skateboards shall
22 make available an approved helmet to a person under 14 years of age
23 who rents the roller skates or skateboards for use in an area where a
24 helmet is required, if the person does not already have a helmet in his
25 possession. A fee may be charged for the helmet rental.

26 d. A person, firm, corporation or other legal entity regularly
27 engaged in the business of selling or renting roller skates or
28 skateboards who complies with the applicable requirements of this
29 section shall not be liable in a civil action for damages for any physical
30 injury sustained by a user of roller skates or a skateboard who is under
31 the age of 14 years as a result of that person's failure to wear a helmet
32 in accordance with the provisions of this act.

33 e. Sixty days before the effective date of this act, the Division of
34 Consumer Affairs in the Department of Law and Public Safety shall
35 make a reasonable effort to notify any person, firm, corporation or
36 other legal entity who is regularly engaged in the business of selling or
37 renting roller skates or skateboards of the requirements of this section.
38 The responsibility of a person, firm, corporation or other legal entity
39 under this section shall not be abrogated or diminished in any manner
40 if the person fails to receive or become aware of a notice from the
41 division.

42

43 6. (New section) Every person operating any roller skates or
44 skateboard upon a roadway shall be granted all of the rights and shall
45 be subject to all of the duties applicable to the driver of a vehicle by
46 chapter four of Title 39 of the Revised Statutes and all supplements

1 thereto, except as to those provisions thereof which by their nature can
2 have no application.

3 Regulations applicable to roller skates and skateboards shall apply
4 whenever any person operates any roller skates or skateboard upon
5 any highway or upon any path set aside for the exclusive use of roller
6 skates or skateboards subject to those exceptions stated herein.

7

8 7. (New section) Every person operating any roller skates or
9 skateboard upon a roadway shall ride as near to the right side of the
10 roadway as practicable, exercising due care when passing a standing
11 vehicle or one proceeding in the same direction; provided, however,
12 that any person may move to the left under any of the following
13 situations:

14 (a) to make a left turn from a left-turn lane or pocket;

15 (b) to avoid debris, drains or other hazardous conditions that make
16 it impracticable to ride at the right side of the roadway;

17 (c) to pass a slower moving vehicle;

18 (d) to occupy any available lane when traveling at the same speed
19 as other traffic;

20 (e) to travel no more than two abreast when traffic is not impeded.

21 Persons operating any roller skates or skateboards upon a roadway
22 may travel no more than two abreast when traffic is not impeded, but
23 otherwise shall ride in single file, except on paths or parts of roadways
24 set aside for the exclusive use of bicycles, roller skates or skateboards.

25

26 8. (New section) The provisions of this act shall not apply to the
27 operators and patrons of roller skating rinks governed by the
28 provisions of the "New Jersey Roller Skating Rink Safety and Fair
29 Liability Act," P.L.1991, c.28 (C.5:14-1 et seq.).

30

31 9. (New section) The director, in accordance with the provisions
32 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
33 et seq.), may promulgate rules and regulations to effectuate the
34 purposes of this act.

35

36 10. Section 1 of P.L.1991, c.465 (C.39:4-10.1) is amended to
37 read as follows:

38 1. a. A person under 14 years of age shall not operate, or ride
39 upon a bicycle as a passenger, unless that person is wearing a properly
40 fitted and fastened bicycle helmet which meets the standards of the
41 American National Standards Institute (ANSI Z90.4 bicycle helmet
42 standard) or the Snell Memorial Foundation's **[1984]** 1990 Standard
43 for Protective Headgear for Use in Bicycling. This requirement shall
44 apply to a person who rides upon a bicycle while in a restraining seat
45 which is attached to the bicycle or in a trailer towed by the bicycle.

46 As used in this act, "bicycle" means a vehicle with two wheels

1 propelled solely by human power and having pedals, handle bars and
2 a saddle-like seat. The term shall include a bicycle for two or more
3 persons having seats and corresponding sets of pedals arranged in
4 tandem.

5 b. The director shall publish a list of bicycle helmets which meet
6 the standards described in subsection a. of this section and shall
7 provide for its distribution in as many locations frequented by the
8 public as the director deems appropriate and practicable.

9 c. The requirement in subsection a. of this section shall apply at all
10 times while a bicycle is being operated on any property open to the
11 public or used by the public for pedestrian and vehicular purposes;
12 however, a municipality may by ordinance exempt from this
13 requirement a person operating or riding on a bicycle as a passenger
14 when the bicycle is operated:

15 (1) on a road or highway closed to motor vehicle traffic and
16 limited to pedestrian or bicycle use at all times or only during specified
17 periods of time during which bicycles may be operated; or

18 (2) exclusively on a trail, route, course, boardwalk, path or other
19 area which is set aside for the use of bicycles or for the use of
20 pedestrians and bicycle operation is not otherwise prohibited.
21 However, an exemption may not be granted under this paragraph for
22 any portion of a trail, route, course, boardwalk, path or other area
23 which is immediately adjacent to a road or highway used by motor
24 vehicle traffic and which does not contain a barrier of sufficient height
25 and rigidity to prevent the inadvertent or deliberate entry of a bicycle
26 operator onto the road or highway.

27 d. An ordinance enacted pursuant to subsection c. of this section
28 shall specify those roads, highways, trails, routes, courses,
29 boardwalks, paths or areas within the municipality where helmets are
30 not required during the operation of a bicycle.

31 e. When a bicycle is being operated in an area where bicycle
32 helmets are not required, the operator or a passenger, except a
33 passenger in a restraining seat or trailer, shall dismount from the
34 bicycle and walk whenever it is necessary to enter a crosswalk or to
35 cross a road or highway upon which motor vehicle traffic is permitted.
36 (cf. P.L.1991, c.465, s.1)

37
38 11. Section 2 of P.L.1991, c.465 (C.39:4-10.2) is amended to
39 read as follows:

40 2. a. A person who violates a requirement of this act shall be
41 warned of the violation by the enforcing official. The parent or legal
42 guardian of that person also may be fined a maximum of \$25 for the
43 person's first offense and a maximum of \$100 for a subsequent offense
44 if it can be shown that the parent or guardian failed to exercise
45 reasonable supervision or control over the person's conduct. Penalties
46 provided in this section for a failure to wear a helmet may be waived

1 if an offender or his parent or legal guardian presents suitable proof
2 that an approved helmet was owned at the time of the violation or has
3 been purchased since the violation occurred.

4 b. All money collected as fines under subsection a. of this section
5 and subsection a. of Section 2 of PL. c. (C.) (now pending before
6 the Legislature as this bill) shall be deposited in a nonlapsing revolving
7 fund to be known as the "Bicycle and Skating Safety Fund." Interest
8 earned on money deposited in the fund shall accrue to the fund.
9 Money in the fund shall be utilized by the director to provide
10 educational programs devoted to bicycle, roller skating and
11 skateboarding safety. If the director determines that sufficient money
12 is available in the fund, he also may use, in a manner prescribed by rule
13 and regulation, the money to assist low income families in purchasing
14 approved bicycle helmets. For the purposes of this subsection, "low
15 income family" means a family which qualifies for low income housing
16 under the standards promulgated by the Council on Affordable
17 Housing pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301
18 et seq.).

19 (cf: P.L.1991, c.465, s.2)

20
21 12. This act shall take effect on the first day of the seventh month
22 following enactment, except that section 9 shall take effect
23 immediately.

24 25 STATEMENT

26
27 This Assembly Substitute for the Senate Committee Substitute for
28 Senate, Nos. 537 and 475 establishes the requirement that all persons
29 under the age of 14 years must wear a protective helmet when
30 operating any roller skates or skateboard on public property. "Roller
31 skates," as defined in the substitute, means not only traditional roller
32 skates, but also roller blades and in-line skates.

33 The helmet worn must meet the standards of the American
34 National Standards Institute (ANSI Z90.4 bicycle helmet standard),
35 the Snell Memorial Foundations 1990 Standard for Protective
36 Headgear for Use in Bicycling, the American Society for Testing and
37 Materials (ASTM) standard or other such standard, as appropriate.

38 A person who violates the provisions of this substitute by failing
39 to wear an approved helmet would be warned of the violation by the
40 enforcing official. The parent or legal guardian of the violator may be
41 fined a maximum of \$25 for a first offense and a maximum of \$100 for
42 a subsequent offense. These penalties may be waived, however, if the
43 parent or legal guardian of the violator presents suitable proof that an
44 approved helmet has been purchased since the violation occurred.

45 All moneys collected as fines are to be deposited into the "Bicycle
46 and Skating Safety Fund." This fund is a revised version of the

1 "Bicycle Safety Fund" which was established under section 2 of
2 P.L.1991, c.465 (C.39:4-10.2) as the depository of fines assessed
3 under the bicycle helmet law. The moneys deposited in this new fund
4 are to be used to provide educational programs for roller skating and
5 skateboard safety, as will as the current programs for bicycle safety.
6 As with the "Bicycle Safety Fund," the substitute provides that if there
7 are sufficient moneys in the "Bicycle and Skating Safety Fund," the
8 director may utilize those moneys to assist low income families in
9 purchasing approved helmets.

10 The substitute specifies that the failure to wear a helmet would not
11 constitute negligence per se, contributory negligence or assumption of
12 risk, and would not in any way bar, preclude or foreclose an action for
13 personal injury or wrongful death.

14 The substitute clarifies that roller skaters and skateboarders, like
15 bicycle riders, have all the rights and are subject to all of the duties
16 applicable to them under the State's motor vehicle statutes when
17 operating upon a public roadway.

18 The regulatory scheme set forth in this substitute is patterned upon
19 the current statutory provisions governing bicycle safety and requiring
20 riders under the age of 14 to wear helmets.

21

22

23

24

25 Requires roller skaters and skateboarders under age 14 to wear
26 helmets.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 537 and 475**

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1996

The Assembly Law and Public Safety Committee reports favorably a Senate Committee Substitute with committee amendments for Senate Bill Nos. 537 and 475.

The Senate Committee Substitute for Senate Bill No. 537 and Senate Bill No. 475, as amended by the committee, establishes the requirement that all persons under the age of 18 must wear a protective helmet when riding a bicycle or operating any roller skates or skateboard on public property.

Currently, only bicycle riders under the age of 14 are statutorily required to wear protective helmets.

The provisions of the substitute, as amended by the committee, supplement chapter 4 of Title 39 of the Revised Statutes and amend P.L.1991, c.465 (C.39:§-10.1 et seq) to require that all persons under the age of 18 wear a protective helmet when riding a bicycle or operating any roller-skates or skateboard on public property. "Roller skates," as defined in the substitute, means not only traditional roller skates, but also roller blades and in-line skates. The helmet worn must meet the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, the American Society for Testing and Materials (ASTM) standard, or other such standard as appropriate.

A person who violates the provisions of this substitute, as amended by the committee, by failing to wear an approved helmet would be warned of the violation by the enforcing official. The parent or legal guardian of the violator may be fined a maximum of \$25 for a first offense and a maximum of \$50 for a subsequent offense. These penalties may be waived, however, if the parent or legal guardian of the violator presents suitable proof that an approved helmet has been purchased since the violation occurred.

All moneys collected as fines would be deposited into the "Bicycle and Skating Safety Fund." This fund is a revised version of the "Bicycle Safety Fund," which was established under section 2 of

P.L.1991, c,465 (c.39:4-10.2) as the depository of fines assessed under the bicycle helmet law. The moneys deposited in this new fund are to be used to provide educational programs for roller skating and skateboard safety as well as the current programs for bicycle safety. As with the "Bicycle Safety Fund," the substitute provides that if there are sufficient moneys in the "Bicycle and Skating Safety Fund, the director may use the moneys to assist low income families in purchasing approved helmets.

The substitute specifies that the failure to wear a helmet would not constitute negligence per se, contributory negligence, or assumption of risk, and would not in any way bar, preclude or foreclose an action for personal injury or wrongful death.

Finally, the amended version of the substitute clarifies that roller skaters and skateboards, like bicycle riders, have all the rights and are subject to all of the duties applicable to them under the State's, motor vejoc;e statutes when operating upon a public roadway.

The Senate Committee Substitute for Senate Bill No. 537 and Senate Bill No. 475, as amended by the committee, is identical to the Assembly Committee Substitute for Assembly Bill No. 2195.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 537 and 475

STATE OF NEW JERSEY

DATED: MARCH 14, 1996

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 537 and 475.

This substitute requires all persons under 14 years of age to wear an approved helmet when operating any roller-skates or skateboard on public property. It specifies that the helmet worn must meet the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, the American Society for Testing and Materials (ASTM) standard, or other such standard as appropriate. Roller skates are defined to mean a pair of devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels, and used to glide or propel the user over the ground.

A person who violates the substitute bill's provisions by failing to wear an approved helmet would be warned of the violation by the enforcing official. The parent or legal guardian of the violator may be fined a maximum of \$25 for a first offense and a maximum of \$50 for a subsequent offense. The penalties provided under the provisions of this subsection for failing to wear an approved helmet may be waived if the parent or legal guardian of the violator presents suitable proof that an approved helmet has been purchased since the violation occurred.

All moneys collected as fines would be deposited into the "Bicycle and Skating Safety Fund." The substitute bill amends section 2 of P.L.1991, c.465 (C.39:4-10.2), the "Bicycle Safety Fund," which was created as the depository of fines under the bicycle helmet law. The substitute bill changes the name of the fund and provides that moneys in the fund would be used to provide educational programs for roller skating and skateboard safety, in addition to bicycle safety. If there are sufficient funds, the director may use the moneys to assist low income families in purchasing approved helmets.

Failure to wear a helmet would not constitute negligence per se, contributory negligence, or assumption of risk, and would not in any way bar, preclude or foreclose an action for personal injury or wrongful death.

Under the provisions of the substitute bill, it would be unlawful to manufacture, assemble, sell, offer to sell, or distribute roller skates or skateboards without a warning notice. The warning notice must be placed in at least one of the following locations and be clearly visible to the consumer: (1) on one roller skate in each pair of roller skates or on the skateboard; (2) on the outside of the box or other container in which the roller skates or the skateboard are offered for sale at retail; or (3) on any user's guide or instruction manual provided with the roller skates or the skateboard. It must be printed in clear and conspicuous type and be substantially similar to the following notice: **WARNING! REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE WHILE WEARING FULL PROTECTIVE GEAR -- HELMET, WRIST GUARDS, ELBOW PADS AND KNEE PADS.**" Businesses that comply with the requirements of this section would not be liable in a civil action for damages for any physical injury sustained by a roller skate or a skateboard or who fails to wear a helmet.

The substitute bill also requires a person, firm, corporation or other legal entity that sells or rents roller skates or skateboards to post a sign stating: "STATE LAW REQUIRES A PERSON UNDER 14 YEARS OF AGE TO WEAR A HELMET WHEN ROLLER-SKATING OR SKATEBOARDING." This notification requirement would not apply to sales of roller skates through mail order catalogs or brochures. Businesses that fail to post the sign would be subject to a penalty not to exceed \$25 a day for each day the business is open to the public and the sign is not posted.

Businesses that rent roller skates or skateboards are required to provide approved helmets to persons under 14 years who rent roller skates or skateboards for use in an area where a helmet is required. A fee may be charged for the helmet rental. Businesses that comply with the requirements of this section would not be liable in a civil action for damages for any physical injury sustained by a roller skater or a skateboarder who fails to wear a helmet.

Sixty days before the effective date of the substitute bill, the Division of Consumer Affairs in the Department of Law and Public Safety is required to make a reasonable effort to notify any person, firm, corporation or other legal entity who sells or rents roller skates or skateboards of these requirements.

The substitute bill's provisions would not apply to the operators of and patrons of roller skating rinks governed by the provisions of the "New Jersey Roller Skating Rink Safety and Fair Liability Act," P.L.1991, c.28 (C.5:14-1 et seq.).

STATEMENT TO
[First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 537 and 475

with Assembly Floor Amendments
(Proposed By Assemblyman KELLY)

ADOPTED: OCTOBER 21, 1996

These Assembly amendments revise the provisions of the Senate Committee Substitute for Senate Bills 537 and 475 to require that all roller skaters and skateboarders under the age of 14 wear safety helmets when operating their roller skates and skateboards on any property open to the public or used by the public for roller skating or skateboarding. In its current form, the Senate committee would have applied to all roller skaters and skateboarders under the age of 18.

The amendments also remove those provisions of the Senate committee substitute that would have applied to bicycle riders on public roadways. Those provisions would have required all such bicycle riders under the age of 18 to wear approved safety helmets.